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SUBJECT: UN Rapporteur Falk Denied Entry Into Israel

¶1. (U) On the night of December 14, Israel denied entry at Ben Gurion airport to AmCit Richard Falk. Falk, who was attempting to enter on his U.S. tourist passport, is the UN Human Rights Committee's Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967. Israeli officials have informed the Embassy that their decision to deny entry to Falk was based on the fact that Israel believed the intention of his visit to be official UN business inconsistent with a tourist visa. His detention overnight at Ben Gurion before being returned to the United States will be reported to CA septel.

¶2. (SBU) Eviatar Manor, MFA Deputy Director General for International Organizations (A/S IO equivalent) told A/DCM on December 15 that the final decision to deny Falk entry was made December 13 by MFA IO Division in consultation with the North America Division and Israel's mission in Geneva. Manor said the Israeli Mission in Geneva informed the UNHRC on December 11 that Falk would not be granted a visa on either his UN Laissez-Passer or his U.S. passport. Manor said that based on this information, the GOI assumed Falk was aware that he would not be admitted if he arrived in Israel.

¶3. (SBU) According to Manor, the decision to deny entry was based on Falk's stated views, his Human Rights Committee mandate, and his actions following his last visit to Israel in June/July 2008. During that visit, Manor said that Falk arranged with the Israeli government to enter on his U.S. tourist passport solely to speak at a West Bank University and not in his official UN capacity. However, after returning to New York, Falk made a report to the Human Rights Committee based on his visit. Manor commented that the MFA felt that Falk had abused the agreement whereby he was permitted to enter Israel and the West Bank. NOTE: Falk made a report to the Third Committee of the 63rd General Assembly during its meetings on September 22nd and 23rd meetings. In his report, he said that the information in his report relied on the best available open sources, as well as on observations gathered during a private visit to Israel in July 2008, which included a short trip to Ramallah, as well as nearby Israeli settlements.

¶4. (SBU) COMMENT: Richard Falk has frequently stirred controversy as an author, academic, and member of the UN Human Rights Inquiry Commission for the Palestinian territories in 2001. He has compared the State of Israel to Nazi Germany, said that Israel has genocidal tendencies and is approaching a holocaust of the Palestinian people, and publicly supported the Palestinian right of resistance. Israel has interpreted his support of the right of resistance to mean he is in favor of terror against civilians, since the Arabic version of this phrase, *Haqq al-Muqawama*, is a commonly used euphemism in Arabic for terrorist attacks, although Falk has denied that he intended to convey support for terrorist attacks. END COMMENT.

¶5. (U) Also on December 15, the MFA passed a white paper to Embassy officials with their official explanation. Please see full text below.

BEGIN TEXT

As part of Israel's well established policy of constructive engagement in international scrutiny and dialogue, and its cooperation with various international mechanisms, Israel has welcomed in the past 3 years the visits of seven special rapporteurs of the UN Human Rights Council, one special representative of the UN Secretary General and the UN High Commissioner for Human Rights.

However, in the case of Prof. Falk, beyond the imbalance inherent in his mandate, the bias is further exacerbated by the highly politicized views of the Rapporteur himself, in legitimizing Hamas terrorism and drawing shameful comparisons to the Holocaust . In light of his vehement publications in the past, it is hard to square his appointment with the requirements of the Council's own internal procedures which call for the appointment of mandate holders who are impartial, objective and possess the quality of personal integrity.

Hence, Israel has made clear, that Mr. Falk was not invited, nor would be welcome in Israel, under his capacity as special rapporteur. Notwithstanding Israel's reservation, it has nevertheless facilitated Mr. Falk's visit to Israel in June 2008 under his personal capacity, in order to attend an academic event. However, this visit was abused by him for the purpose of presenting an imbalanced report before the Third Committee during the 63rd session of the UN General Assembly this year. Mr. Falk's recent attempt to arrive uninvited under his capacity as special rapporteur, fully aware of Israel's clear reservation, stands in marked contrast to the Manual of Operations of the Special Procedures of the Human Rights Council, adopted in June 2008, which stresses the necessity of consent and coordination with the state concerned, and was therefore denied.

END TEXT.

CUNNINGHAM